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ABSTRACT

This policy statement proposes national guidelines that direct federal agency implementation of Indian education policies in a coordinated and comprehensive manner and provide direction for new Indian education initiatives from Congress and the Administration. The policy statement was written by tribal leaders and Indian educators and was based on extensive research and comments gathered in Indian country during the past 2 years. Specifically, the policy statement calls for federal agencies to recognize and support the inherent sovereignty of American Indian and Alaska Native tribes; encourage and assist tribes in assuming control of education programs and governance of Indian education; preserve, protect, and promote Native languages and cultures; improve the statutory and executive tribal consultation process; recognize and support tribal education laws; recognize the key roles of school boards, educators, and parents in schools and education programs; ensure educational opportunities to Indian students residing outside of Indian country; foster cooperative/reciprocal educational agreements between tribal governments and nontribal governments and entities; acknowledge Indian education standards; assist tribal governments in conducting research and establishing databases that describe Indian education; remove or waive procedural impediments for working directly and effectively with tribal governments on Indian education; directly involve tribal governments and Indian parent committees in planning, budgeting, and administration of Indian education programs; and regularly consult with and report to tribal governments and the Congress on each agency's annual activities in implementing federal Indian education policies. Includes a list of Indian tribes and organizations that have endorsed the policy statement. (LP)

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ED 408 137

COMPREHENSIVE FEDERAL INDIAN EDUCATION

POLICY STATEMENT

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A PROPOSAL FROM
INDIAN COUNTRY

TO
THE WHITE HOUSE

RC021055

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March 1997

Preface to the Comprehensive Federal Indian Education Policy Statement

Who Will Benefit?

- Over 600,000 individual American Indians and Alaska Natives who are enrolled in formal education programs - from early childhood to graduate study - in the United States. These students, like all Americans, deserve world class education. Indian students, more so than most Americans, depend on the federal government to provide quality education.

- Over 550 Indian tribes who recognize the importance of education, seek opportunities to become more involved, and want to assume greater control of the education of their tribal members.

- Federal agencies who will have a comprehensive and coordinated approach to improve Indian education based on a policy statement defined by Indian country.

Intent

- The intent of the policy statement is to set national guidelines in Indian education for federal agencies, including the Departments of Education, Interior, Health and Human Services, Agriculture, Commerce, and Labor. Guidelines will direct and define federal agency implementation of existing congressional and executive branch Indian education policies and mandates in a coordinated and comprehensive manner.

- The policy statement will provide direction for new Indian education initiatives from Congress and the Administration, including budget appropriations.

- Ultimately, the policy statement will help ensure that all Indian students achieve academic success in schools in an environment of increased tribal involvement and control.

Importance of the Policy Statement

- To improve the quality of Indian education. The history of Indian education has been difficult. The Meriam Report (1928) and the Kennedy Report (1969) documented the failure of formal education and called for more Indian involvement, control, and relevancy in the educational process. The Indian Nations At Risk Task Force (1991) recognized "twenty years of progress" during the 1970-80s, but concluded that Indian communities were "nations at risk" educationally. The White House Conference on Indian Education (1992) reached similar conclusions and made specific recommendations for improvement.

- To continue making progress in Indian education using a comprehensive policy framework that reflects the views of Indian people.

- To better coordinate Indian education at the federal level. Current Indian education policies are fragmented among various treaties, statutes, agencies, and programs.

Coordination of the policies and programs rarely takes place as do efforts to promote tribal / federal partnerships.

- To ensure that Indian education and Indian students are included in major national education initiatives. Too often Indian education or Indian students are excluded.

- To facilitate educational reform and achieve Indian student academic success.

- To help ensure greater federal responsiveness, responsibility, and accountability in Indian education.

- To reaffirm the federal responsibility for Indian education that is based on treaties, congressional legislation, court decisions, and executive branch actions.

Content of the Policy Statement

- Recognizes and supports tribal sovereignty, treaty rights, the government-to-government relationship between the United States and Indian nations, the trust relationship of the federal government with Indian people, and Indian self-determination as the immutable foundation for the comprehensive policy statement.

- Promotes tribal languages and cultures, tribal control of education, Indian education standards, quality Indian education and educational research, tribal consultation, and accountability as the basis for student academic success. A strength of the policy statement is its comprehensive, unifying nature, and inclusion of all Indian students.

Development of the Policy Statement

- The genesis of the policy statement arose after President Clinton's White House meeting with tribal leaders on April 29, 1994.

- After a series of meetings at the White House on Indian education, it was agreed that a comprehensive federal Indian education policy would assist federal agencies and tribes in working together to improve Indian education. Further, the policy statement had to be defined by Indian country, not the federal government.

- Tribal leaders and Indian educators developed the policy statement based on extensive research and comments gather in Indian country over the past two years. Collaborative leadership was provided by the National Congress of American Indians (NCAI), the National Indian Education Association (NIEA), the Native American Rights Fund (NARF), and the National Advisory Council on Indian Education (NACIE).

- Numerous tribes and Indian organizations have endorsed the policy statement. See the inside back page of this booklet for a listing of those who have endorsed the statement to date.

COMPREHENSIVE FEDERAL INDIAN EDUCATION POLICY STATEMENT

INTRODUCTION

American Indian and Alaska Native tribes are sovereign nations. The United States Constitution, treaties, and other federal laws confirm the inherent sovereignty of Indian nations. Tribal sovereignty is the basis for the government-to-government relationship between Indian nations and the United States. The United States also has a trust relationship with Indian nations. Tribal sovereignty and the unique federal-tribal relationship differentiate Indian nations legally and politically from all other entities.

The United States Congress affirms that Indian education rights are inherent in tribal sovereignty and are part of the government-to-government relationship and the trust relationship. Under treaties, statutes, and executive orders the federal government has the responsibility to provide education to American Indians and Alaska Natives and to transfer control of education to those tribes that seek it. Indian education policies are fragmented among various statutes, orders, proclamations, agencies, and programs. Implementation of these policies by federal agencies is misaligned, poorly executed, or even nonexistent.

Federal agencies must implement Indian education policies, programs, and funding in a manner that upholds and enhances congressional and executive mandates. Federal Indian education policy implementation must provide tribes with the resources for linking schools, tribal traditions, knowledge, values, and health and social needs under a holistic, student-centered approach. Policy implementation must also support tribal decisions on the use of education to preserve tribal homelands, governments, languages, cultures, economies, and social structures.

Indian nations have the biggest stake in Indian education because their children are their future. Quality education opportunities and strengthening educational achievement must be the goals of all education systems that serve Indian students. Upon tribal request, all education systems that serve Indian students must incorporate tribal involvement, allow tribal decision-making, and be accountable to tribes. The resource of human potential represented by emerging generations of native children can not be wasted or stunted because education policies are poorly implemented or ignored. The recognition of tribal sovereignty and the importance of native culture by the federal government are fundamental to improving federal Indian education policy implementation.

This comprehensive policy is intended to make the federal government support tribal involvement in Indian education as provided in existing federal laws. Implementing the policy will facilitate increased federal agency and program accountability to tribes for Indian education.

POLICY:

RECOGNITION AND SUPPORT OF TRIBAL SOVEREIGNTY

A. Federal agencies shall recognize and support the inherent sovereignty of all American Indian and Alaska Native tribes including, but not limited to, the rights of American Indian and Alaska Native tribes to self-determination and self-government. Federal agencies shall also recognize and support the government-to-government relationship between American Indian and Alaska Native tribal governments and the United States. In recognizing these attributes of tribal sovereignty, federal agencies shall consult and work directly with tribal governments on education issues that affect Indian students by:

1. developing an institutional knowledge that tribes retain significant amounts of sovereignty from their original status as independent nations; that tribal sovereignty is, thus, inherent and not delegated; that tribes retain all attributes of sovereignty not otherwise relinquished; that the sovereignty retained by American Indian and Alaska Native tribes includes, but is not limited to, power and authority over education; that the United States government continues to affirm tribal sovereignty, self-determination, and self-government in numerous treaties, congressional agreements, executive orders, and court decisions as well as congressional acts;

2. developing an institutional knowledge that native languages, cultures, and traditions are extremely diverse and unique, and occupy an unparalleled status in the history and law of the United States as the original languages, cultures, and traditions of North America;

3. developing an institutional capacity to identify, research, plan for, and address general Indian concerns regarding education as well as those concerns unique to each individual American Indian and Alaska Native tribal government; and

4. assigning specific staff positions and employees to coordinate each federal agency's work with tribal governments, departments, and agencies and with federal-tribal partnerships.

RECOGNITION AND SUPPORT OF SELF-DETERMINATION

B. Upon tribal request, federal agencies shall take steps to encourage and assist tribes to assume control of education programs and governance of Indian education by:

1. negotiating with individual tribal governments to transfer education programs, funding, functions, services, facilities, and administrative responsibilities to tribes;

2. providing direct funding for tribal education departments;

3. supporting tribal control of Indian education by allowing tribes the freedom and self-determination to develop their own curricula and education standards, their own requirements for and certification of educators and administrators without excessive accountability to the federal government or with accountability using requirements and standards developed by individual tribes and tribal organizations;

4. providing staff and technical assistance to tribal governments for developing, monitoring, and enforcing education codes and program administration capabilities; and

5. implementing procedures that are necessary to provide direct funding for tribal education departments, without excessive accountability, and to assist tribes with program administration and education governance.

SUPPORT OF NATIVE LANGUAGES AND CULTURES

C. Upon tribal request, federal agencies shall take steps to preserve, protect, and promote native languages and cultures, including:

1. providing direct funding to tribes and Indian education programs for developing, certifying, and maintaining native language and culture programs and curricula;

2. providing staff and technical assistance to tribes and Indian education programs for developing, certifying, and evaluating native language and culture programs and curricula;

3. transferring native language and culture programs and funding to tribes to use at each tribe's discretion in schools and education programs at any level;

4. encouraging non-tribal governments and entities serving Indian students to recognize the unique status of native languages and cultures, to include native languages and cultures in programs and curricula upon tribal request, and to grant full academic credit and fulfillment of entrance or degree requirements to native language and culture courses; and

5. encouraging states to provide for appropriate certification of instructors of native language and culture, including allowing / accepting tribal certification of native language and culture instructors.

FEDERAL - TRIBAL CONSULTATION PROCESS

D. Federal agencies shall take steps to improve the statutory and executive tribal consultation process with the goal of obtaining the consent of tribal governments whenever proposed federal actions, policies, rules, or decisions affect Indian education, including:

1. directly and timely consulting with tribal governments and Indian education entities regarding all proposed education actions, policy developments, rulemaking, and decisions;

2. promptly summarizing consultation results and reporting to tribes and Indian education entities on actions that agencies will take to implement the recommendations of tribes and programs that resulted from consultations;

3. encouraging tribal representatives to meet with federal agencies to ensure tribal directives are being implemented; and

4. organizing and funding federal / tribal partnerships to review and improve the consultation process.

RECOGNITION AND SUPPORT OF TRIBAL EDUCATION LAWS

E. Federal agencies shall work with tribal education departments within the tribal governments to provide support to establish and further develop each tribe's education code and ensure that all non-tribal governments and entities come into compliance with each tribe's education laws by:

1. requiring such compliance in relevant regulations; and,

2. assisting tribal governments to develop enforcement capabilities and cooperative plans / agreements with non-tribal governments and entities to overcome compliance problems.

ROLES OF BOARDS, EDUCATORS, AND PARENTS

F. Federal agencies shall recognize the key roles of school boards, post-secondary boards, educators, and parents in schools and education programs that are operated through tribes / non-tribal governments and entities by:

1. upon tribal request, facilitating discussions and planning among tribal governments, boards, educators, and parents that clarify the important roles of each in Indian education; and

2. upon tribal request, using the results of discussions and planning to enhance the important roles of tribal governments, boards, educators, and parents in Indian education.

INDIAN EDUCATION OUTSIDE OF INDIAN COUNTRY

G. Federal agencies shall carry out statutory obligations to provide education to Indian students residing outside of Indian country by:

1. implementing the decisions of Indian parent committees and Indian boards regarding education programs and funding; and,

2. recognizing and supporting decisions of tribes regarding their members who are students residing outside of Indian country.

COOPERATIVE INTER-GOVERNMENTAL AGREEMENTS

H. Upon tribal request, federal agencies shall take steps to foster cooperative / reciprocal education agreements between tribal governments and non-tribal governments and entities by:

1. facilitating discussions and planning among tribes, non-tribal governments and entities, and education organizations to clarify the important responsibilities of each in Indian education;

2. providing funding, staff, and technical assistance to tribal governments for infrastructure that supports inter-governmental education agreements;

3. implementing federal incentives for establishing and complying with education agreements between tribal governments and non-tribal governments and entities; and,

4. for tribes that seek such responsibility, requiring a transition to tribal control of Indian education programs and funding, and assisting tribes to develop the capacities necessary to make the transition successful.

ESTABLISHMENT AND ACKNOWLEDGEMENT OF INDIAN EDUCATION STANDARDS

I. Upon tribal request, federal agencies shall recognize, fund, and work with tribal governments as the entities for setting education standards in schools and programs serving Indian students by:

1. recognizing that tribes can exercise primary authority, pursuant to their inherent sovereignty as confirmed in and with guidance from federal law, to set education standards in schools and programs serving Indian students;

2. developing a record to document all education standards, policies, practices and decisions that affect American Indian and Alaska Native students and providing that record for review by tribal governments;

3. providing direct funding, staff, and technical assistance to tribal governments to establish, monitor, and enforce tribal education standards;

4. assisting tribal governments to use or incorporate tribal education standards in schools and programs; and

5. directly involving tribal governments and incorporating tribal input in future federal actions, decision-making, policy development and rulemaking that affect education standards for American Indian and Alaska Native students.

INDIAN EDUCATION RESEARCH AND ANALYSIS

J. Federal agencies shall compile and organize research data bases, and shall assist tribal governments to conduct research and to establish and maintain data bases that accurately describe Indian education by:

1. recognizing tribal laws that require Indian education research to be conducted with the consent of and in partnership with tribal governments;

2. upon tribal request, providing direct funding, staff, and technical assistance to tribes to develop and maintain tribal capacities to research Indian education;

3. documenting Indian student performance, needs, and progress as well as documenting Indian education programs' performance, needs, and progress;

4. making available research, information, and analyses to use as descriptions and baselines for evaluating education programs and Indian student needs and achievement;

5. making available research, information, and analyses regarding the best education practices, materials, assessment practices, and initiatives that are relevant for Indian students;

6. making available research, information, and analyses regarding infrastructure needs, improvements, and funding that are required to maintain, renovate, or replace schools and other education facilities that serve Indian students;

7. establishing an American Indian and Alaska Native ethnic / racial category for all research, information, and analyses efforts, and, where possible, establishing tribe-specific categories;

8. facilitating a national center for Indian education research to avoid redundant efforts and increase the accessibility of successful programs, practices, and materials in Indian education;

9. establishing a national center for information regarding distance education opportunities for American Indians and Alaska Natives in remote areas; and

10. establishing a clearinghouse connected with a major research university for educational concerns common to Indian people throughout North America.

REMOVAL OF PROCEDURAL IMPEDIMENTS

K. Federal agencies shall take steps to remove or waive procedural impediments to working directly and effectively with tribal governments on Indian education by:

1. organizing and funding federal / tribal partnerships to identify such impediments and recommend removal or waiver options;

2. establishing a process for implementing tribal government requests that procedural impediments / regulations be removed or waived in favor of tribal procedures; and,

3. directly involving tribal governments in future education policy developments and rulemaking to ensure that new impediments are not created.

PLANNING, BUDGETING, AND ADMINISTRATION OF INDIAN EDUCATION PROGRAMS

L. Federal agencies shall directly involve tribal governments and Indian parent committees outside Indian country in future Indian education planning, budgeting, and administration by:

1. following consultation requirements and tribal priorities when planning, budgeting, and administering programs and when identifying program needs; and,

2. implementing Indian education policies when planning, budgeting, and administering programs and when identifying program needs.

REPORT TO CONGRESS AND TRIBAL GOVERNMENTS

M. Federal agencies shall regularly consult with and report to tribal governments and the Congress on each agency's annual activities in implementing federal Indian education policies. Such reporting shall include:

1. the level of program and funding for all Indian education programs and activities;

2. the level of programs and funding transferred to tribes;

3. the program and funding budgets, guidelines, criteria, consultation methods, and other procedures that were developed or revised to increase the transfer of programs and funding to tribes and to increase tribal governance of education;

4. identification of the tribal requests for assistance, and the tribes, programs, and entities that were assisted to make education policy / program changes that protect and promote native language and culture programs and curricula;

5. the level of funding provided to and the number of tribes assisted to establish tribal education departments and to establish / enforce tribal education codes;

6. the program guidelines, criteria, consultation methods, and other procedures that were developed or revised that kept key roles for school boards, educators, and parents while enabling the transfer of education programs and funding to tribes upon request;

7. the program guidelines, criteria, and other procedures that were developed or revised that enable tribal governments to plan, monitor, and account for education programs and funding that are administered outside of Indian country, the number of tribes assisted, and the amount of direct funding that was provided per tribe for carrying out these responsibilities;

8. the number and type of cooperative and reciprocal education agreements that were established between tribal and non-tribal governments or entities; the programs and funding that were transferred to tribes; and, descriptions of non-tribal government education accountability to tribes;

9. descriptions of how improved Indian education standards were implemented in programs, and the number of tribes that were assisted through the implementation;

10. descriptions of the number of tribes assisted in developing education research capabilities, how research findings were used to implement education improvements in programs, and the number of tribes that

were assisted using the increased research capabilities and education improvements;

11. the procedural impediments to tribal government control of education that were identified and the impediments that were removed or waived;

12. an analysis of the difference between Indian education program budgetary needs versus the actual level of appropriated funding, identification of what program accomplishments were made, specific program deficiencies that could not be addressed within the funding level provided, and the number of tribes involved in documenting program needs and developing program budgets;

13. an assessment of each agency's success and difficulty in implementing this policy; and

14. the separate views of tribes regarding each agency's success and problems in implementing this policy.

INDIAN TRIBES AND ORGANIZATIONS ENDORSING COMPREHENSIVE FEDERAL INDIAN EDUCATION POLICY STATEMENT

Affiliated Tribes of Northwest Indians (52 Tribes)
American Indian Higher Education Consortium
American Indian Science & Engineering Society
Asa'carsarmiut Tribal Council
Confederated Tribes of the Colville Reservation
Eastern Band of Cherokee Indians
Four State Intertribal Assembly (33 Tribes)
Gila River Indian Community
Hydaburg Cooperative Association Tribal Council
InterTribal Council of Five Civilized Tribes (OK)
Lac Courtes Oreilles Ojibwa Tribal Council
Lower Elwha Tribal Council
Mandan, Hidatsa & Arikara Nation
Minnesota Indian Education Association
Mississippi Band of Choctaw Indians
Mooretown Rancheria
National Congress of American Indians
National Indian Impacted Schools Association
National Indian Education Association
National JOM Association
National School Boards Association
Native Village Council of Kluti-Kaah
Native Village Council of Kotzebue, IRA Council
Native Village Council of St. Michael, IRA Council
Native Village Council of White Mountain, IRA Council
Nisqually Indian Tribes
Nome Eskimo Community
North Dakota Association of Tribal Colleges
North Dakota Indian Affairs Commission
North Dakota Indian Education Association
Oglala Sioux Tribe
Paschal Sherman Indian School
Rosebud Sioux Tribe
Sac and Fox Nation
Soboba Band of Mission Indians
Susanville Indian Rancheria Tribal Business Council
Tohono O'odham Education Department
Tribal Education Contractors Association
United National Indian Tribal Youth, Inc.
United Tribes of North Dakota (5 Tribes)
Washington State Indian Education Association
Yakama Nation
Yakutat Tlingit Tribe (Alaska)

FOR MORE INFORMATION CONTACT: National Congress of American Indians (NCAI) at 2010 Massachusetts Ave., N.W., Second Floor, Washington, D.C. 20037 or, National Indian Education Association (NIEA) at 121 Oronoco St., Alexandria, VA 22314